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PATENT- UND RECHTSANWÄLTE

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Number of pages: 2  
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HAMBURG, January 23, 2004 D/so

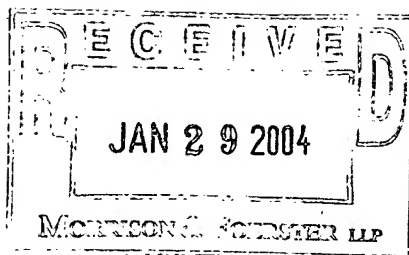
U.S. Patent Application 10/623,803  
Owner: Cervitech, Inc.  
Your ref.: 24647-20052.00  
My ref.: CERT026PUS

Dear Mr. Bretschneider,

Please find enclosed copy of the European search report established in the co-pending European Case 03 016 441. I also enclose copies of the references cited therein.

The prior art acknowledged in the present application comprises prostheses in which the core of the prosthesis is connected to one of the cover plates by means of connection profiles which are undercut in a complementary manner. This feature is shown in FR 2 718 635. The connection profile provided on the core (Figure 4, 5 and 6) has parallel edges 16 which are complementary to undercut grooves 9 of the lower cover plate (Figure 7, 8, 9). The connection profile in this known prosthesis is restricted to parallel parts of the core and the plate.

In contrast thereto the invention claims that there is at least one pair of connection profile sections which are symmetrical with respect to the



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AP direction and are arranged at an angle to one another. These sections (9, 16) are provided in addition to the parallel sections.

The search report says (page 1 of the annex, last paragraph):

"Document D1 shows (compare abstract and Figures 4 - 11) a vertebral disc prosthesis with two cover plates (1, 2) and a prosthesis core (3), which with one of the cover plates (1, 2) is connected by complementarily undercut connection profiles (9, 16), wherein the connection profiles (9, 16) comprise at least one pair of profile sections which are symmetrical with respect to the AP direction (8, compare Figure 7) and at an angle to one another (in the area of the reference numeral 17a)."

Figures 4 and 7, however, show clearly that the dotted line showing the undercut is not present in the area of the reference numeral 17a. If in the place 17a and correspondingly in place 10a there were an undercut, this would have to show up also in Figure 6 (in place 17) and in Figure 9 (place 10) and in Figure 8, which it does not. Hence, the characterizing feature of Claim 1 of the present application is not disclosed in the reference.

FR 2 632 516 and FR 2 780 635 are cited only in order to show the technical background. I feel that comment thereon is not necessary.

Please file a Prior Art Statement.

Please acknowledge receipt.

Best regards,  
very truly yours,



(Delfs)

Encl. (with confirmation copy):

copy of the European search report of EP 03 016 441 together with the references cited therein